IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 19TH JULY 2006 / 28TH ASHADHA,1928

Bail Appl..No. 4124 of 2006

(CRIME NO.372/2006 OF PALA POLICE STATION)

PETITIONER

P.M.EMMANUEL,
NJAVALLIPUTHENPURAYIL, KAROOR.P.O,
LALAM KARA, LALAM VILLAGE,
MEENACHIL TALUK, PALA.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI.

2. SUB INSPECTOR OF POLICE,
PALA POLICE STATION,
PALA.

BY PUBLIC PROSECUTOR P.M. HABEEB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4124/2006

DATED THIS THE 19TH DAY OF JULY, 2006

O R D E R

The petitioner is the accused, in crime No. 372/2006 of Pala Police Station. The offence alleged against him and others are under Sections 120B, 406, 408, 409, 420, 465, 468 and 477 IPC read with Section 34 IPC. The learned Public prosecutor submits that the accused had misproportionated fifty one lakhs of rupees and therefore, custodial interrogation of the petitioner is required. Therefore, he opposes the prayer for an order, under Section 438 Cr.P.C., which is being sought for by the petitioner, through this application.

2. After hearing the learned counsel for the petitioner and the learned Public prosecutor, I direct the petitioner, second accused, to surrender before the investigating officer of Pala Police Station, on 25.7.2006 between 10.00 a.m and 11.00 a.m. If the investigating officer intends to have the petitioner for further

interrogation, he is at liberty to move an application before the Court below, as per the law, and get the custody of the petitioner, to complete the investigation and for the recovery of any material that is required, with the permission of the Court. If an application, to that effect, is moved by the investigating officer before the Court below, the learned Magistrate shall hear both sides and pass appropriate orders. On completion of the investigation, if an application is filed by the petitioner for bail, the same shall also be considered, as per the law.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs